

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RONALD PLOG,

Plaintiff,

v.

Case No. 22-cv-1160-bhl

KILOLO KIJAKAZI,

Defendant.

**ORDER GRANTING MOTION FOR LEAVE TO PROCEED WITHOUT
PREPAYMENT OF FILING FEE**

On September 30, 2022, Plaintiff Ronald Plog filed a Social Security Complaint seeking review of a final decision by the Acting Commissioner of the Social Security Administration. (ECF No. 1.) Three days later, he moved for leave to proceed without prepayment of the filing fee. (ECF No. 2.) The Court has authority to allow a litigant to proceed without prepaying the filing fee if it determines that the litigant is unable to pay the costs of commencing the action and the action is not frivolous, fails to state a claim, or is brought against an immune defendant. *Cf.* 28 U.S.C. §1915(a)(1), (e)(2).

In his motion, Plog states that his monthly income is \$2,300 and his monthly expenses are around \$2,100. (ECF No. 2 at 2.) His only noteworthy asset is a 1990 Chevrolet truck for which he could not find an online estimate. (*Id.* at 3.) And his bank account contains about \$50. (*Id.*) Plog also represents that he is liable for a \$25,000 civil court judgment in connection with a car accident. (*Id.* at 4.) On these facts, it appears that Plog is sufficiently indigent for a fee waiver.

The Court must also review the complaint for sufficiency. If the complaint fails to state a claim on which relief may be granted, it must be dismissed. *See Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014, 1018 (7th Cir. 2013). Similarly, a frivolous complaint must also be dismissed. 28 U.S.C. §1915(e)(2)(B)(i). “A frivolous complaint is one in which ‘the petitioner can make no rational argument in law or facts to support his or her claim for relief.’” *Williams v. Faulkner*, 837 F.2d 304, 306 (7th Cir. 1988) (quoting *Jones v. Morris*, 777 F.2d 1277, 1279-80 (7th Cir. 1985)).

Here, Plog timely invoked this Court's jurisdiction pursuant to 42 U.S. Section 405(g) and 42 U.S.C. Section 1383(c)(3). (ECF No. 1 at 1.) He argues that the administrative law judge decision denying his claim for Social Security benefits is not supported by substantial evidence. (*Id.* at 2.) This is not frivolous and states an arguable claim. As a result, the Court will grant Plog's request to waive prepayment of the filing fee.

IT IS HEREBY ORDERED that Plaintiff Ronald Plog's motion to proceed without prepayment of the filing fee, ECF No. 2, is **GRANTED**.

Dated at Milwaukee, Wisconsin on October 12, 2022.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge